

**From:** Rusty Carruth  
**To:** Microsoft ATR  
**Date:** 1/25/02 5:10pm  
**Subject:** Microsoft Settlement

The proposed settlement falls far short of the minimum needed to address the violations of law, while it is a good start.

One concern I have is related to the following story:

<http://www.linuxworld.com/site-stories/2001/0820.austin.html>

which, among other things, says:

"There is an insidious aspect to a citywide, multi-year plan. It locks users into Microsoft products only. While the Enterprise Agreement doesn't specifically prohibit the use of other products, effectively it does. It's logical to assume that if you're paying for MS Exchange for three years why allow a department to consider an alternative. (Microsoft makes hay of this point in a Word-formatted white paper extolling the Enterprise Agreement.)"

Motorola has apparently entered into one of these Enterprise Agreements with Microsoft, and from the way they (Motorola) are acting, it appears that the no-non-Microsoft-software effect may be more than just a side-effect, as Motorola is on a massive effort to REPLACE perfectly working non-windows (and free) mail (and other) tools with Microsoft's versions. Against the strong objections of those whose tools are being replaced.

This indicates to me that Microsoft has made little, if any, change to its behavior. This behavior has resulted in the practices which were found to be in violation of the Sherman Act.

Also, since Microsoft has used 'middleware' to keep its operating systems monopoly, especially Internet Explorer, it seems that any kind of just settlement must include at least one, and possibly more, of the following remedies:

- 1) disallow Microsoft from developing, selling, or buying companies which develop or sell middleware (for a period of, say 7 years from the date of the settlement, after which the limitation will be reduced) (note that this includes .net);
- 2) place Internet Explorer in the public domain or otherwise remove it from the suite of Microsoft tools;
- 3) place Windows in the public domain or otherwise separate it from the non-OS offerings of Microsoft;

4) require Microsoft to establish a fund, from which half of the cost of developing/porting software to non-Microsoft operating system(s) would be paid, to a maximum of \$500,000 payment. This fund should have some amount of cash up front, with some percentage of Microsoft OS sales price being placed into the fund for some period of years (for example, 10% of the customer sales price would be put into the fund, paid by Microsoft on a quarterly basis, for the next 7 years).

5) require Microsoft to become more than one company.

In any case, the proposed remedy does not adequately address the misdeeds of Microsoft, nor does it even begin to redress the wrongs promulgated against the computer-using public.

I am a computer professional. I write software on Unix systems, and I have been directly (and very negatively) affected by Microsoft's predatory practices.

Please note that I also support and strongly agree with Dan Kegel's Open Letter, which I will be a cosigner of.

Thank you very much

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"Why would anyone choose a tool that is the primary virus vector of the known universe?" - me

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